Civil Revision No. 8/2002

Hon. P.C. Pant, J.

Heard Shri Vinay Kumar, learned counsel for the revisionist and Shri Rakesh Thapliyal, learned counsel for the respondents.

The revisionist has challenged the order dated 18.10.2001, passed in Misc. Case No. 30 of 1994, whereby the application to review the order dated 11.10.1994, passed in Civil Suit No. 98 of 1993, has been rejected. The perusal of the impugned order of rejection of review application, shows that there was no error apparent on the part of the concerned court, which requires interference under Order 47 Rule 1 of the Code of Civil Procedure, 1908. The order of rejection is a detailed and reasoned order. It is pertinent to mention here that the court's jurisdiction under Order 47 is a limited jurisdiction. The revisionist has not challenged the order dated 11.10.1994, passed in Original Suit No. 98 of 1993, whereby the dispute between the parties was referred to the Arbitrator under Section 30 of the U.P. Water Supply and Sewerage act, 1975 read with Section 34 of Arbitration Act, 1940. The contention of the learned counsel for the revisionist is that the revisionist-the then U.P. State Electricity Board now Uttaranchal Jal Vidyut Ltd. is not a consumer, as such, notices of recovery, issued by Garhwal Jal Sansthan (defendant) was bad in law.

After considering the said point, the impugned order appears to have been passed on 11.10.1994, which is not challenged before this Court. There appears no illegality in the rejection of the review application. As such, this revision has no force. And the same is dismissed in limine.

(P.C. Pant, J.)

Dt. 22.03.2006
Sweta